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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,281	06/22/2001	Yasuhiko Saito	500.40254X00	6570
20457	7590	04/22/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			SANTIAGO, ENRIQUE L	
			ART UNIT	PAPER NUMBER
			2671	
DATE MAILED: 04/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/886,281	SAITO ET AL.
	Examiner	Art Unit
	Enrique L Santiago	2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 June 2001.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-4 and 9-18 is/are allowed.
- 6) Claim(s) 5-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 5-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 5-8 claim “A recording medium for recording image data readable by a computer... coordinate data of a reference point for a set of vertexes of a plurality of polygons... differential data between coordinates of each of said vertexes and coordinates of said reference point... said coordinate data of said reference point is floating point data... said differential data is integer value data showing magnitude relative to a predetermined scale value ... said reference point is a barycentric point ...” said limitations are a compilation or mere arrangement of data and are therefore directed to nonfunctional descriptive material. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory and does not make the invention eligible for patenting. Such a result would exalt form over substance. *In re Sarkar*, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978). For example, a claim directed to a word processing file stored on a disk may satisfy the utility requirement of 35 U.S.C. 101 since the information stored may have some “real world” value. However, the mere fact that the claim may satisfy the utility requirement of 35 U.S.C. 101 does not mean that a useful result is achieved under the practical application requirement. The claimed invention as a whole must produce a “useful, concrete and tangible” result to have a practical application (MPEP section 2106). See *Arrhythmia*, 958 F.2d at 1057, 22 USPQ2d at 1036.

Applicant may be able to overcome Examiner's rejections by amending the claims to encompass statutory subject matter.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujii et al. US patent no. 6,405,151 B1.

-Regarding claim 5, Fujii et al. teaches a recording medium for recording image data readable by a computer (see column 6, lines 40-49), wherein: said image data has coordinate data of a reference point for a set of vertexes of a plurality of polygons approximating a three-dimensional shape of an image (see figs. 3-12, column 7, lines 29-50), and differential data between coordinates of each of said vertexes and coordinates of said reference point (see figs. 4-11 and 16, column (7, lines 35-51).

-Regarding claim 7, Fujii et al. further teaches a system wherein said reference point is a barycentric point obtained from said coordinates of said vertexes contained in said set of vertexes of said plurality of polygons, or a vertex close to said barycentric point (see fig. 16, column 7, lines 29-50).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii et al. US patent no. 6,405,151 B1 in view of Rohner US patent no. 6,184,887 B1.

Regarding claim 6, Fujii et al. does not directly teach a system wherein said coordinate data of said reference point is floating point data, and said differential data is integer value data showing magnitude relative to a predetermined scale value.

However in similar art Rohner teaches said system (see figs. 2, 3, and 7-11, column 3, lines 52-64), therefore it would have been obvious to one skilled in the art at the time of the invention to use said system, because it would provide a system for avoiding overflow and underflow (wraparound) of image variables (see column 2, lines 35-38).

-Regarding claim 8, Fujii et al. further teaches a system wherein said reference point is a barycentric point obtained from said coordinates of said vertexes contained in said set of vertexes of said plurality of polygons, or a vertex close to said barycentric point (see fig. 16, column 7, lines 29-50).

**Allowable Subject Matter**

Claims 1-4, 9-18 are allowed.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent no. 5,546,515

US patent no. 5,689,627

US patent no. 6,072,496

US patent no. 6,208,347 B1

US patent no. 6,236,404 B1

US patent no. 6,249,286 B1

US patent no. 6,262,739 B1

US patent no. 6,373,489 B1

US patent no. 6,400,365 B1

US patent no. 6,441,819 B1

US patent no. 6,515,673 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Enrique L. Santiago whose telephone number is (703) 306-5908. The examiner can normally be reached on Monday to Friday from 7:00 A.M. to 3:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Enrique L. Santiago

April 18, 2004

  
MARK ZIMMERMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600